

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA

v.

FRANKIE NORRIS JR

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CRIMINAL NO. 9:04-cr-00017-RC-JDL

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On May 19, 2015, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant. The government was represented by Mary Ann Cozby, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Carlo D'Angelo.

On August 24, 2004, Defendant Frankie Norris Jr. was sentenced before U.S. District Judge Ron Clark after pleading guilty to the offense of Felon in Possession of Firearm, a Class D felony. This offense carried a statutory maximum imprisonment term of not more than 10 years. The United States Sentencing Guideline range, based on a total offense level of 25 and a criminal history category of V, was 100 to 120 months. Defendant was sentenced to 110 months imprisonment and 2 years supervised release, subject to the standard conditions of release, plus special conditions including, in pertinent part, that Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer. On May 21, 2012, Defendant completed the term of imprisonment and began his period of supervised release. On November 21, 2012, the term of supervised release, and Defendant was sentenced to 12 months and 1 day imprisonment, followed by 1 year of supervised release. On June 28, 2013, Defendant completed the revocation imprisonment term and began his period of supervised release.

Defendant's supervised release was revoked again on August 4, 2014, and he was sentenced to 5 months imprisonment, followed by 6 months of supervised release. On October 31, 2014, Defendant completed the revocation imprisonment term, and began his current period of supervised release.

In its petition, the government alleges in pertinent part that Defendant violated the terms of supervised release when Defendant failed to follow the instructions of a probation officer by failing to report to the probation office on February 27, 2015, as instructed. Should the Court find that Defendant violated the conditions of supervised release by failing to follow the instructions of a probation officer, Defendant will be in violation of conditions of his supervision, and be guilty of committing a Grade C violation. U.S.S.G. § 7B1.3(a)(2) indicates that upon a finding of a Grade C violation, the Court may revoke probation or supervised release or extend the term of probation or supervised release and/or modify the conditions of supervision. Considering Defendant's criminal history category of V, the Guideline imprisonment range for a Grade C violation is 7 to 13 Months. U.S.S.G. § 7B1.4(a).

At the May 19, 2015 hearing, Defendant pled true to the allegation above. The government recommended that Defendant Frankie Norris Jr. be committed to the Bureau of Prisons at FCI Texarkana for 9 months with no supervised release to follow.

Pursuant to the Sentencing Reform Act of 1984, the Court **RECOMMENDS** that Defendant Frankie Norris Jr. be committed to the custody of the Bureau of Prisons for 9 months at FCI Texarkana to run concurrent with Defendant's pending parole revocation in Angelina County Cause Numbers 24,375:2004 and 24, 228:2003, with no supervised release to follow. The Court further **RECOMMENDS** that Defendant receive credit for time served from April 6, 2015.

Defendant has waived his right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to U.S. District Judge Ron Clark for adoption immediately upon issuance.

So ORDERED and SIGNED this 15th day of June, 2015.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE